

INLAND WETLANDS AND WATERCOURSE REGULATIONS

TOWN OF EAST WINDSOR

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SECTION 1

TITLE AND AUTHORITY

- 1.1** The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life; and to be used in irrigating the rich prime soil of East Windsor for agricultural use in the future. Many inland wetland and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the State of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, animal habitat, agriculture, plants, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, hazardous waste, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational, agricultural land and other public and private uses and values; and protecting the state's potable fresh water supplies above or underground from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2** These regulations shall be known as the "Inland Wetlands and Watercourse Regulations of the Town of East Windsor, Connecticut".
- 1.3** The Inland Wetland and Watercourse Agency of the Town of East Windsor was established in accordance with an ordinance adopted October 31, 1973 and shall implement the purposes and provisions of the Inland Wetland and Watercourses Act in the Town of East Windsor.
- 1.4** These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5** The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of East Windsor pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

- 1) **“Act”** means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
 - 2) **“Agency”** means the Inland Wetlands Agency (or Commission) of the Town of East Windsor.
 - 3) **“Animal Habitat”** is any area that is inhabitant or uses pathways by any animals that use wetland and watercourses in a temporary or permanent period of their existence.
 - 4) **“Aquifer”** means any underground deposits of material (e.g., sand and gravel) capable of yielding usable quantities of water, making them potential sources of both public and private water supply. The areas of concern are described on a map entitled, “STREAMS, WETLANDS and AQUIFERS” found in PLAN OF DEVELOPMENT, East Windsor, Connecticut, which was approved - May 6, 1986 and Effective - July 1, 1986.
 - 5) **“Bogs”** are usually distinguished by evergreen trees and shrubs underlain by peat deposits, organic material, poor drainage, and highly acidic conditions. It is characterized by an association of plants recognized as bog species, listed in the booklet titled “Inland Wetland Plants of Connecticut”.
 - 6) **“Buffer Zone”** means all areas within 150 feet of a watercourse, a wetland, a floodplain or any combination thereof aggregate area which includes a watercourse, a wetland or any combination thereof.
 - 7) **“Clear-cutting”** means the harvest of timber in a fashion which removes all trees down to a 2” diameter at breast height.
 - 8) **“Commission member”** means a member of the Inland Wetlands and Watercourses Agency of the Town of East Windsor.
 - 9) **“Commissioner of Environmental Protection”** means the Commissioner of the State of Connecticut Department of Environmental Protection.
 - 10) **“Continual flow”** means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
 - 11) **“Deposit”** includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
 - 12) **“Designated agent”** means an individual designated by the Agency to carry out its functions and purposes. This is the Conservation Officer.
 - 13) **“Discharge”** means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
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- 14) **“Disturb the natural and indigenous character of the land”** means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
 - 15) **“Essential to the farming operation”** means that the activity proposed is necessary and indispensable to sus-

tain farming activities on an existing farm.

- 16) **“Farming”** means use of land for the growing of crops, raising of livestock or other agricultural use.
- 17) **“Feasible”** means able to be constructed or implemented consistent with sound engineering principles.
- 18) **“Management Practice”** means a practice, procedure, activity, structure for facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- 19) **“Marshes”** are areas with soils that exhibit aquic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. Typical examples of marsh species are listed in the booklet titled, “Inland Wetland Plants of Connecticut”. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.
- 20) **“Material”** means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- 21) **“Municipality”** means the Town of East Windsor, Hartford County, Connecticut.
- 22) **“Nurseries”** means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- 23) **“Owner”** means the person having legal ownership of a facility.
- 24) **“Permit”** means the whole or part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetland Agency.
- 25) **“Permittee”** means the person to whom such permit has been issued.
- 26) **“Person”** means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

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- 27) **“Pollution”** means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town of East Windsor by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.
- 28) **“Prudent”** means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further, provided a mere showing of expense will not necessarily mean an alternative is imprudent.
- 29) **“Regulated Activity”** means any operation within or use of a wetland or watercourse involving removal or deposition of material; or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut general statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removal of material and dis-

charging of storm water on the land within 150 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The agency may rule that any other activity located within such upland review area or in any other nonwetland or nonwatercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

- 30) **“Regulated area”** means any wetlands or watercourses as defined in these regulations
- 31) **“Rendering unclean or impure”** means any alteration of the physical, chemical or biological properties to degrade waters of the Town of East Windsor, including, but not limited to, change in odor, color, turbidity or taste.
- 32) **“Significant impact activity”** means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:
- a. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system; or
 - b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
 - c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, or to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or to perform other functions; or
 - d. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
 - e. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
 - f. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
 - g. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- 33) **“Soil Scientist”** means an individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission) and is certified by The Society of Soil Scientists of Southern New England as a Professional Soil Scientist.

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- 34) **“Submerged lands”** means those lands which are inundated by water on a seasonal or more frequent basis.
- 35) **“Swamps”** means an area with a water table at or near the surface of the ground throughout most of the year, soils that exhibit aquic moisture regimes and containing vegetation by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled, “Inland Wetland Plants of Connecticut”.
- 36) **“Terrace escarpment”** means steeply sloping lands denoted under the general soil classifications units Te, Tc, Tg in the Hartford County Soil Survey of the Soil Conservation Service, U.S.D.A.
- 37) **“Town”** means the Town of East Windsor, Hartford County in the State of Connecticut.
- 38) **“Vernal Pool”** means a watercourse consisting of a confined basin depression which contains a small body of standing water, usually drying out for part of the year during warm weather. It can be natural or man-made, and lacks a permanent outlet or any fish population. Further, the occurrence of one or more of the obligatory species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog and eastern spadefoot toad are necessary to conclusively define the vernal pool.
- 39) **“Waste”** means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town.

- 40) **“Watercourses”** means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.
- 41) **“Wetlands”** means land, including submerged land as defined in Section 2 of these regulations, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended, from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3

INVENTORY OF REGULATED AREAS

- 3.1** The map of regulated areas, entitled, "Inland Wetlands and Watercourses Map, Town of East Windsor, Connecticut", delineates the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or the Inland Wetland Agency. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2** Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these regulations may be required of property owner when the Agency requires an accurate delineation of regulated areas.
- 3.3** The Inland Wetland Agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the town. The Agency may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the town. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

SECTION 4

PERMITTED USES AS OF RIGHT & NON-REGULATED USES

- 4.1** The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. A residential home (1) for which a building permit has been issued or, (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic systems, driveway, approval dates or other necessary information to document his entitlement;
 - c. Boat anchorage or mooring, not to include dredging or dock construction;
 - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
 - e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Section 22a-401 and 22a-410 of the General Statutes.
 - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

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- 4.2** The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetlands or watercourses by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.

- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing and cross-country skiing where otherwise legally permitted and regulated.
- c. Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under Sections 22a-28 to 22a-35, inclusive, as amended, or Sections 22a-359b to 22a-363f, inclusive, as amended, shall not require any permit or approval under Sections 22a-36 to 22a-45, inclusive, as amended.

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear-cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with Section 5 of these regulations.

4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse, that may disturb the natural and indigenous character of the land shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency or its designated Agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated Agent for the Agency may make such ruling on behalf of the Agency at any time.

SECTION 5

REGULATED ACTIVITIES TO BE LICENSED

- 5.1** No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetland Agency of the Town of East Windsor.
- 5.2** The Agency shall regulate any operation or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, and any earth moving, filling, construction, or clear-cutting within one-hundred fifty (150) feet of wetlands (buffer zone), watercourses or floodplains, and on terrace escarpments adjacent to a wetland or watercourse, but shall not include the activities specified in Section 4 of these regulations.
- 5.3** Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Town of East Windsor Inland Wetland Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.
- 5.4** Where there is no pre-existing natural vegetation, the Agency may require that the developer provide vegetation which will screen the proposed development from wetlands or watercourses.

SECTION 6

APPLICATION REQUIREMENTS

- 6.1** Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Inland Wetland Watercourse Agency.
- 6.2** If an application to the Town of East Windsor Planning, Zoning, or Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with such planning, zoning, or planning and zoning commission. The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 6.3** The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity. Whenever possible, the determination relative to significant activities should be made at the pre-application meeting.
- 6.4** All applications shall include the following information in writing or on maps or drawings.
- The applicant's name, home and business address and telephone numbers;
 - The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - Tax Assessor's Map #, Block #, Parcel #.
 - Applicant's interest in the land;
 - The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
 - The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority; restore, enhance and create productive wetland or watercourse resources;
 - Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. These alternatives shall be diagrammed on a site plan or drawing and submitted to the Commission as part of the application.
 - A site plan showing existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses;

The map shall also have an approval block placed near the title block reading;

EAST WINDSOR INLAND WETLAND AGENCY, EAST WINDSOR, CONNECTICUT

DATE APPROVED_____ **DATE OF EXPIRATION** _____

_____, **CHAIRMAN**

_____, **SECRETARY**

- I. Names and addresses of adjacent property owners;
- j. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information. All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant or any of his agents to provide correct information or performance exceeding the levels of anticipated activity shall be sufficient grounds for the revocation of any permit issued under these regulations and/or for penalties to be imposed.
- k. Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued and through completion of the project;
- l. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;
 - 1) To assist the Agency, the Conservation Officer and his staff in reviewing the environmental impact of a proposal, may in addition require:
 - a. a Permit Review Checklist to be completed, which form shall be adopted by the Agency,
 - b. a site review from the Natural Resource Conservation Service or other Agency with regards to erosion control or other impact, in which event the applicant should follow a checklist procedure found in "Guidelines for Soil Erosion and Sediment Control", available at the Agency office.
 - c. an approval from the town engineer which may include inground stability, site work and all drainage designs.

6.5 The following additional information shall be submitted for all applications as required:

- a. Detailed Plot Plan.
- b. Plot Plan Narrative.
- c. Contour Map of Present Surface Topography.
 - 1) Intervals for contour map.
 - 2) Show perimeter of pond(s) at maximum water level.
 - 3) Show location(s) of dam(s).
 - 4) Show location(s) of all watercourse(s).
 - 5) Show 100 year floodplain and encroachment.

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- d. Superimpose East Windsor Inland Wetland Map on the contour map.
- e. The following information prepared by a certified soil scientist:
 - 1) Wetlands flagged and numbered in field.
 - 2) Wetlands delineated on plans with flag numbers.
- f. Drainage Plan (include size of all pipes).
 - 1) The following types of pipes shall be used for drainage installations:
 - (a) Reinforced concrete pipes for surface drainage storm sewer systems and cross culverts;
 - (b) Where clearance is limited by existing utilities, pipe arches or oval pipe will be used;

(c) On grades over ten percent (10%) use ACCMP;

(d) Where uneven support is expected, use ACCMP.

If an alternate type of pipe is proposed, the applicant should submit a written request to be reviewed by the Town Engineer.

g. Impervious Calculations.

- 1) Structures (acres).
- 2) Parking and private drives (acres).
- 3) Public sidewalks (acres).
- 4) Public roads (acres).
- 5) Other.
- 6) Ratio of impervious to pervious material.

h. Hydrology study may require TR-55 or TR-20.

i. Approval of septic systems by the designated sanitation authority.

j. Any other information as required by the Commission.

6.6 All applications including applications for amendment or extension of time shall be submitted with an appropriate fee based on a fee schedule to be adopted by the Agency.

6.7 If the proposed activity involves a significant impact activity as determined by the Agency and defined in Section 2 of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required.

- a. Site plans for the proposed use or operation and the property which will be affected which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person.
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plans.

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- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist qualified by "The Society of Soil Scientists of Southern New England", and that the field delineation be incorporated onto the site plans).
- d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, a description of why each alternative considered was deemed neither feasible nor prudent.
- e. Analysis of chemical or physical characteristics of any fill material.
- f. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

6.8 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality.

6.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with Section 7 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 6 of these regulations provided:

- a. The application may incorporate the documentation and record of the prior application;
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
- e. The Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date, if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity;

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6.10 Any application to renew or a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.

6.11 A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of state wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. The agency shall be responsible for the remaining information and any corrections on the form prior to filing it with the State.

SECTION 7**APPLICATION PROCEDURES**

- 7.1** All applications shall be filed with the Inland Wetland Agency of the Town of East Windsor.
- a. The application form entitled, "Application for the Inland Wetland Permit", hereinafter called "the application", will be made available in the Agency office.
 - b. Applications must be made by the property owner of record, or an individual having substantial interest in the property or a duly authorized agent or attorney.
 - c. The Agency reviews a proposal only once within an application period. All material that is required should be supplied at the time of application. Any omission may cause the application to be incomplete. Any alterations to the proposal may require withdrawal and reapplication. The application fee paid includes only one review.
 - d. The applicant shall file ten copies of the application, plans and any other support documents as required.
 - e. An application fee is required and must be submitted to the Agency when the application is accepted at the next regularly scheduled meeting. In the event the fee is not paid, the application can be denied for incompleteness.
 - f. The Agency may require meeting with the applicant at times designated by the Agency.
 - g. All information submitted in the application for review shall be considered factual, or in the case of anticipated activity binding. A knowing failure of the applicant or any of his, or her, or its agents to provide correct information, or performance exceeding the levels of activity anticipated, shall be sufficient grounds for the revocation of any permit under these regulations.
 - h. The Agency and its agent or any specialists retained by the Agency to evaluate permit applications under these regulations, shall have the right of free access, upon notification to the property owner, to portions of the property under consideration.
- 7.2** In the case of any application where any portion of the wetland or watercourse property on which the regulated activity is proposed, is located within 500 feet of the boundary of any adjoining municipality, the applicant shall give written notice, (in accordance with Section 22a-42a of the Connecticut General Statutes), of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetland Agency on the same day of filing an inland wetland permit application with the East Windsor Inland Wetland Agency. Documentation of such notice shall be provided to the East Windsor Inland Wetland Agency and shall become part of the hearing record.
- 7.3** The Agency shall, in accordance with Section 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;

- b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

- c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- e. Notice of the pendency of such application shall be made by Certified Mail and shall be mailed within seven (7) days of the date of receipt of this application (in accordance with Section 22a-42b of the Connecticut General Statutes).

7.4 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and within the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

7.5 any person proposing to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse shall file an application with the inland wetlands agency of the town or towns wherein the wetland or watercourse in question is located. The application shall be in such form and contain such information as the inland wetlands agency may prescribe. The date of receipt of any application shall be the day of the next regularly scheduled meeting of such Inland Wetlands Agency, immediately following the day of submission to such Inland Wetlands Agency or its agent of such application, provided such meeting is no earlier than three (3) business days after receipt, or thirty-five (35) days after such submission, whichever is sooner. The Inland Wetlands Agency shall not hold a public hearing on such application unless the Inland Wetlands Agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application, or the agency finds that a public hearing regarding such applications would be in the public interest. An Inland Wetland Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the agency on or before the fourteenth day after the date of receipt of the application.

7.6 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or the wetlands or watercourses affected by the regulated activity. The Agency shall not exceed the required time limit in taking action on an application pending the receipt of additional information.

7.7 All applications shall be open for public inspection.

7.8 Incomplete applications may be denied.

SECTION 8

RULINGS AND PUBLIC HEARINGS

The Commission can make three types of rulings: Declaratory, Summary or Plenary

- 8.1** Declaratory Ruling: Exemptions - If the Agency finds, on the basis of the evidence before it, that a proposed activity or use does not involve any regulated activity as defined in Section 2 of these regulations, or involves only a permitted use as defined in Section 4, permission to proceed shall be granted forthwith. This permission shall be subject to limitation or revocation if it is later shown that a regulated activity or non-permitted use is a consequence of that proposed activity. The Agency shall state in writing its reasons for finding that a proposed activity is a permitted activity pursuant to Section 4 of these regulations.
- 8.2** Approval in Concept: If the Agency finds, on the basis of the information before it, that a proposed division of land or use, which contains regulated areas, will create a parcel or use that is compatible with the proposed use and such use will not involve significant impact or major effect on the inland wetland and watercourse, as defined in Section 2, it may allow the division or use with or without conditions. A ruling of "Approval in Concept" does not constitute granting of an inland wetland permit.
- 8.3** Summary Ruling: Permits - If the Agency finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetland or watercourse as defined in Section 2, it may allow the activity with or without conditions after initial review. In order to grant a permit at this stage, the Agency, after full review of the considerations set forth in Section 9.2 and other pertinent factors, shall issue an opinion presenting its reasons for granting the permit with or without conditions.

In the event the Agency does not schedule a public hearing, the Agency shall render a final decision within sixty-five (65) days from the receipt of a complete application. The Agency shall notify the applicant by certified mail of its decision within five (5) days of the date of decision and the Agency shall cause notice of its order of issuance or denial of a permit to be published in a daily newspaper having a general circulation in the municipality wherein the regulated area lies.

- 8.4** Plenary Rulings: The Agency shall not hold a public hearing on an application unless the agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons requesting a hearing is filed with the agency not later than fourteen (14) after the date of receipt of such application or the agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.
- a. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in the Town of East Windsor.
- 8-1**
- b. In the case of any application which is subject to the notification provisions of Section 7.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipalit{ies} has received notice of the pending of the application. Proof of such notification shall be entered into the hearing record.
- c. The applicant shall be responsible for displaying a sign on the property that states that an application is pending before the Agency. The sign shall be visible from a town street and shall be displayed for at least ten

(10) continuous days before the scheduled meeting. The applicant may obtain the sign at the Town Conservation Office.

- d. The applicant shall also notify abutting property owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing. This will be done in writing by certified mail, return receipt requested, to inform that an application is pending before the Agency. The applicant at the hearing is required to provide a copy of the certified letter and the return receipt and to whom it has been sent.

SECTION 9**CONSIDERATIONS FOR DECISION**

- 9.1** The Agency shall consider the following in making its final decision on a permit application:
- a. All evidence offered at or before any public meeting,
 - b. Any report from other Commissions and/or Federal or State Agencies, including the Soil and Water Conservation District and/or the Connecticut Department of Environmental Protection,
 - c. Additional requested information.
 - d. Non-receipt of comments solicited from agencies and commissions within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- 9.2 Standards and Criteria for Decision.** In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall consider all relevant facts and circumstances, including but not limited to the following:
- a. The environmental impact of the proposed regulated activity ON wetlands or watercourses;
 - b. The applicant's purpose for, and any feasible and prudent alternatives to the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
 - c. The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement long-term productivity of such wetlands or watercourses;
 - d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority; restore, enhance and create productive wetland or watercourse resources;
 - e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
 - f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

- 9.3** In the case of an application which received a public hearing pursuant to a finding by the agency that the proposed activity may have a significant impact on wetlands and watercourses, a permit shall not be issued unless the agency finds on the basis of the of the record that a feasible and prudent alternative does not exist. In making this finding the agency shall consider the facts and circumstances set forth in subsection 9.2 of this section. The find and the reasons therefore, shall be stated on the record in writing.
- 9.4** In the case of any application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands and watercourses, the agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 9.5** In reaching its decision on any application after a public hearing, the agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut general statutes.

SECTION 10

DECISION PROCESS AND PERMIT

- 10.1** The Agency or its duly authorized agent acting pursuant to section 11 of these regulations, may, in accordance with section 9 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the act, or deny the application. such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority; restore, enhance and create productive wetland or watercourse resources.
- 10.2** No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. The failure of the inland wetlands Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency must either be withdrawn by the applicant or denied by the Agency.
- 10.3** The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 10.4** The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in East Windsor. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 10.5** If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of East Windsor Planning, Zoning, or Planning and Zoning Commission within fifteen days of the date of the decision.
- 10.6** Any failure of the agency to comply with any of the time requirements set forth in these regulations or to give requisite notice in the time or manner prescribed by these regulations shall not be grounds for voiding any action, otherwise properly taken by the Commissioner except for notices to the public concerning a public hearing.

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- 10.7** If the Agency denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.

10.8 PERMIT REQUIREMENT

All permits issued by the Commission shall be subject to the following conditions which shall be enumerated in writing to every Permittee prior to the issuance of the permit:

The East Windsor Conservation Commission and Inland Wetland Agency has considered your application with due regard for the matters enumerated in Sections 22a-41 of the General Statutes and in accordance with Section 12 of the Inland Wetland Regulations and has found that the proposed work, as specified and conditioned below, is in conformance with the purposes and provisions of said section.

The authorized activity consists of description of the activity, i.e. what is proposed and for what purpose (subdivision, etc.), cubic yard(s) of fill to be placed, acre(s) to be affected/filled, "Title" of plans, scale, date, revision date.

The permit is issued subject to the following conditions and/or modifications:

1. The Permittee shall notify the East Windsor Conservation Commission and Inland Wetland Agency immediately upon the commencement of work and its completion.
2. If the authorized activity is not completed on or before PERMIT EXPIRATION DATE, said activity shall cease, and if not previously revoked or specifically renewed, this permit shall be null and void.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the Permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
4. In evaluating this application, the Commission has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.
5. This Permittee shall employ best management practices consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetland or watercourses. For information and technical assistance, contact the Conservation Officer or East Windsor Conservation Commission/Inland Wetland Watercourse Agency. The Permittee shall immediately inform the Agency of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work.
6. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off-site unless specifically authorized by this permit.

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7. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of EAST WINDSOR, and conveys no property rights in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.
8. Timely implementation and maintenance of sediment and erosion control measures are a condition of this permit. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized and pollution of wetlands and watercourses must always be prevented.
9. A copy of the Bond and/or Certificate of Insurance relative to this project must be submitted to this Commission, thereby indemnifying and holding the Town of East Windsor harmless against any liability which might result from the proposed operation or use.
10. The Permittee shall permit the Agency or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.

10.9 Any permit issued under this section shall be valid for five (5) years. Any regulated activity approved by the agency shall be completed within one year from time such activity is commenced provided the agency may

establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.

- 10.10** No permit shall be assigned or transferred without the written permission of the Agency.
- 10.11** If a bond or insurance is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond or insurance is provided.
- 10.12** Each letter or permission or permit issuance of these regulations shall be in writing and in such form as the Agency may prescribe and shall be signed by the Chairperson or Acting Chairperson of the Agency. Any conditions applicable to thereto shall be set forth in full therein.
- 10.13** Any applicant may withdraw his/her application at any time prior to the Agency's final action thereupon. Any filing fee paid by the applicant pursuant to these regulations shall not be refunded to any applicant who so withdraws his/her application.
- 10.14** Any changes to a proposal mandated by the Planning and Zoning Department will need a new review by the Agency if the changes effect regulated areas with such changes incorporated in a new proposal.

SECTION 11**ACTION BY DULY AUTHORIZED AGENT**

- 1.1** An Inland Wetlands Agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 7, 8 and 10 of these regulations, such agent may approve or extend such an activity at any time.

Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located for will have an affect. Any person may appeal such decision of such agent to the inland wetlands agency within fifteen days after the publication date of the notice and the inland wetlands agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The inland wetlands agency shall, at its discretion, sustain, alter or reject the decision of its agent or require an application for a permit in accordance with Section 6 of these regulations.

SECTION 12

BONDING AND INSURANCE

- 12.1** Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond, with such surety in such amount and in a form approved by the Agency.
- 12.2** The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

When a performance or soil erosion control bond is required by the Agency, an amount representing one-hundred (100%) of the estimated expense of the proposed activity is determined by the applicant to have a cost estimate and approved by the Town Engineer and by the Inland Wetland Agency, the bond shall be submitted to the Town of East Windsor upon approval of the permit for the regulated activity. This amount to be utilized to insure that soil erosion control and performance measures are designed and implemented in accordance with these regulations.

- 12.3** The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within three (3) years of completion of such operations, in an amount to be determined by the Agency commensurate with the regulated activity.

SECTION 13**ENFORCEMENT**

- 13.1** The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- 13.2** The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.
- 13.3** If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
1. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order, the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;
 2. suspend or revoke a permit if it finds that the Permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the Permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the Permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The Permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
 3. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at a special or the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection 13.3.1 of this section or other enforcement proceedings as provided by law.

- 13.4** If the Agency finds that an activity which has not been granted a permit, has had a more severe impact or effect on the inland wetland or watercourse than was projected by the applicant, or does not, in fact involve a permitted use, the Agency may require the Permittee to submit a new application for review.

- 13.5** Any person who commits, takes part in, or assists in any violation of any provisions of these regulations, or as otherwise set forth in said Statutes as Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes as amended, shall be fined not more than one thousand dollars (\$1,000.00) and/or be imprisoned for not more than six (6) months for each offense. Each violation shall be a separate and distinct offense, and, in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.
- 13.6** The Commission may petition the Superior Court, in accordance with Section 22a-44(b) of the Connecticut General Statutes as amended, to restrain continuing violation, to correct or remove violation, and to assess damages in an amount necessary to effect restoration of the affected wetland and watercourses.
- 13.7** It is the violator's responsibility to evaluate the necessary engineering, devices and structures to rectify the identified violation. It is the applicant's responsibility to evaluate, implement and certify (with qualified personnel) that a given violation is rectified to pre-violation conditions.

SECTION 14**AMENDMENTS**

- 14.1** These regulations and the Inland Wetlands and Watercourses Map for the Town of East Windsor may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 14.2** An application filed with an inland wetlands agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply, (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses, or (2) to any change in regulations necessary to make such regulations consistent with the provisions of this Chapter as of the date of such receipt.
- 14.3** These regulations and the Town of East Windsor's Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments pursuant to Subsection 14.4 of this section, at least thirty-five (35) days before the public hearing on their adoption. Fee schedules shall be adopted as Agency regulations or as otherwise provided by municipal ordinance.
- 14.4** Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Town of East Windsor, Connecticut, shall contain at least the following information:
- a. The petitioner's name, address and telephone number;
 - b. The address of the land affected by the petition;
 - c. The petitioner's interest in the land affected by the petition;
 - d. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - e. the reasons for the requested action.
- 14.5** Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Town of East Windsor, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 14.4, the petition shall include:

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- 1) the name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;

- 2) the names and addresses of the owners of abutting land;
- 3) documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flat locations set by the soil scientist and defining the boundaries of wetland soil types; and
- 4) map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

14.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

14.7 A public hearing shall be held on petitions to amend the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than twenty-five days nor less than fifteen days, and the last not less than two days before such hearing. A copy of such proposed boundary change shall be filed in the office of the town clerk, for public inspection at least ten days before such hearing.

14.8 Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the Inland Wetlands Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

14.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetland and Watercourses Map was made.

SECTION 15

APPEALS

15.1 Appeal on actions of the Agency shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as amended.

15.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

SECTION 16

CONFLICT AND SEVERANCE

- 16.1** If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.
- 16.2** If there is a conflict between any provision of these regulations and the provision of the act, the provisions of the act shall govern.

SECTION 17

OTHER PERMITS

- 17.1** Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of East Windsor, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 18

FEE SCHEDULES

- 18.1** Fee schedules shall be established in accordance with Ordinance 90-11 of the Town of East Windsor as adopted by the Board of Selectmen.

SECTION 19

EFFECTIVE DATE OF REGULATIONS

- 19.1** These regulations including the Inland Wetlands and Watercourses Map, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of East Windsor, Connecticut.

EFFECTIVE 2-19-91

REVISED 01-31-94
 02-20-96
 12-01-97
 05-11-98
 12-11-00

